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Paul D. Greeley, Esq.
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10th Floor
One Landmark Square
Stamford, CT 06901-2682

EXAMINER
NGUYEN, NGA B

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PTOL-90A (Rev. 04/07)

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/726,023
Filing Date: December 02, 2003
Appellant(s): TANZILLO ET AL.

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Paul D. Greeley (Reg. No. 31,019)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on August 9, 2007 appealing from the Office action mailed on October 20, 2006.

(1)   Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2)   Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly

affect or be directly affected by or have a bearing on the decision in the pending appeal

is contained in the brief.

(3)   Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4)   Status of Amendments After Final

The statement of the status of Amendments contained in the brief is correct.

(5)   Summary of Claimed Subject Matter

The summary of invention contained in the brief is correct.

(6)   Grounds of Rejection to be Reviewed on Appeal

The summary of the ground of rejection to be reviewed on appeal contained in

the brief is correct.

(7)   Claim Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8)   Evidence relied Upon

US 6,405,181	Lent et al.	06-2002
US 6,847,942	Land et al.	01-2005

(9)   Grounds of Rejection

The following grounds of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-7, 11, 13-21, and 23 are rejected under 35 U.S.C. 102(b) as being

anticipated by Lent et al (hereinafter Lent), U.S. Patent No. 6,405,181.

Regarding to claim 1, Lent discloses a system for assessing risk, comprising:

a user interface to receive requests and customer account information to be

stored in a portfolio in a first database (column 3, lines 53-58, an application engine 104

creates an application by prompting an applicant for data and storing the entered data;

column 4, lines 55-67, an application data structure 202 stores the data contained in an

application and keeps track of the status of the application);

a risk assessment manger that provides application functions, services and

portfolio analysis based on said requests (column 4, lines 18-37, Underwriter 110

receives data from the parsing engine and evaluates the data to determine if the

applicant should receive for the offer of credit. The Underwriter makes an underwriting

decision based on an analysis of the credit bureau data);

a data integration component that provides access to at least a second database

(column 5, lines 15-20, the application data structure includes a set of credit report

objects 214 associated with each credit report, at least two credit reports from two of

threw credit bureaus are ordered); and

a corporate linkage component that provides information to said risk assessment

manager for user by said risk assessment manager in determining a total risk exposure

based on said portfolio (column 2, lines 9-11; column 4, lines 18-25; column 5, lines 38-

42 and column 8, lines 57-65, an Underwriter engine 214 automatically approves an

application based on the information obtained from credit bureaus).

Regarding to claim 2, Lent further discloses wherein said risk assessment

manager comprises: a scoring component that provides a risk score based on said

portfolio (column 5, liens 38-43, FICO score received from credit bureaus).

Regarding to claim 3, Lent further discloses wherein said risk assessment

manager comprises: a transfer component to import and export data to and from said

first database (column 17, lines 12-17, the web server 1406 is connected to the Internet

and communicates with the applicant host system to request and receive applicant

information and to notify the applicant of the results of the approval process).

Regarding to claim 4, Lent further discloses where said data integration

component enhances said customer account information, provides entity matching for

said customer account information, and/or provides data products (column 4, lines 1-17,

the parsing engine 106 parses the data into an exact format that may be used to directly

access credit bureau data).

Regarding to claim 5, Lent discloses a computer system for assessing risk,

comprising:

a portfolio analysis component that analyzes a portfolio of customer

accounts and provides a data product containing a financial profile based on said

portfolio (column 4, lines 18-37, Underwriter 110 receives data from the parsing engine

and *evaluates the data to determine if the applicant should receive for the offer of credit*.

The Underwriter makes *an underwriting decision based on an analysis* of the credit

bureau data); and

a common decisioning component that automatically provides a credit decision

based on said portfolio and user-defined rules and/or polices (column 2, lines 9-11;

column 4, lines 18-25; column 5, lines 38-42 and column 8, lines 57-65, an Underwriter

engine 214 automatically approves an application based on *based on an analysis* of the

credit bureau data).

Regarding to claim 6, Lent further discloses wherein said common decisioning

component comprises: a setup component that receives said user-defined rules and/or

policies (column 5, lines 15-37).

Regarding to claim 7, Lent further discloses a configuration console component

that provides administrative functions and security; wherein said administrative

functions include an import function, an export function; and/or a score calculating

function (column 3, lines 54-57, receiving application data from an applicant (import

function); column 4, lines 20-23, sending pared data to at least two credit bureaus

(export function); column 5, lines 38-43, FICO score).

Regarding to claim 11, Lent discloses a machine-readable medium having

instructions stored therein for performing a method of assessing risk, said method

comprising:

receiving customer account information (column 3, lines 53-58, an application

engine 104 creates an application by prompting an applicant for data and storing the

entered data; column 4, lines 55-67, an application data structure 202 stores the data

contained in an application and keeps track of the status of the application);

creating a portfolio based on said customer account information by applying

at least one step selected from the group consisting of: entity matching, applying

unique corporate identifiers, applying corporate linkage information, and applying

predictive indicators (column 2, lines 9-11; column 4, lines 18-25; column 5, lines 38-42

and column 8, lines 57-65, an Underwriter engine 214 automatically approves an

application based on the information obtained from credit bureaus);

providing a customer based analysis of said portfolio (column 5, lines 25-37);

providing a risk score for at least one customer in said portfolio based on said

customer based analysis (column 5, lines 30-33, FICO score); and

providing an account profile for said at least one customer (column 4, lines 55-67,

application data structure 202 includes an application object).

Regarding to claim 13, Lent further discloses providing days sales outstanding

information for said at least one customer in said portfolio (column 5, lines 27-31, e.g. a

90 day attribute that indicates the number of times the applicant has been more than 90

days late in payment of a debt).

Regarding to claim 14, Lent further discloses wherein said account profile includes a financial statement (column 5, lines 15-20, application data structure 202 includes a set of credit report objects).

Regarding to claim 15, Lent discloses a computer-implemented method of assessing risk, which comprises:

enhancing data in a portfolio of customer accounts by a quality assurance process (column 3, lines 53-58, an application engine 104 creates an application by prompting an applicant for data and storing the entered data; column 4, lines 55-67, an application data structure 202 stores the data contained in an application and keeps track of the status of the application);

receiving and enforcing at least one user-defined rules and/or user-defined policy (column 5, lines 15-23, the Underwriter requires at least two credit reports from two of three credit bureaus);

providing automated credit decisioning for at least one customer based on said at least one user-defined rule and/or said at least one user-defined policy (column 2, lines 9-11; column 4, lines 18-25; column 5, lines 38-42 and column 8, lines 57-65, an Underwriter engine 214 automatically approves an application based on the information obtained from credit bureaus);

providing days sales outstanding for said at least one customer in said portfolio (column 5, lines 27-31, e.g. a 90 day attribute that indicates the number of times the applicant has been more than 90 days late in payment of a debt); and

providing risk information for said at least one customer in said portfolio (column 5, lines 25-37, each credit report object includes a plurality of attitudes).

Regarding to claim 16, Lent further discloses segmenting said portfolio by a selected variable to uncover risks and opportunities in said portfolio (column 5, lines 25-37, each credit report object includes a plurality of attitudes).

Regarding to claim 17, Lent further discloses wherein said risk information includes a total risk exposure within a corporate entity associated with said at least one customer (column 5, lines 25-37, each credit report object includes a plurality of attitudes).

Regarding to claim 18, Lent further discloses wherein said quality assurance process includes at least one step selected from the group consisting of: entity matching, applying unique corporate identifiers, applying corporate linkage information, and/or applying predictive indicators (column 2, lines 9-11; column 4, lines 18-25; column 5, lines 38-42 and column 8, lines 57-65, an Underwriter engine 214 automatically approves an application based on the information obtained from credit bureaus).

Regarding to claims 19-21, Lent further discloses providing a financial profile of said at least one customer in said portfolio, wherein said financial profile includes how said at least one customer pays other companies, financial profile includes a financial statement for said at least one customer (column 5, lines 25-37, each credit report object includes a plurality of attitudes).

Regarding to claim 23, Lent further discloses wherein said policy is selected from

the group consisting of: a credit limit policy, a score policy, an exception policy, a

collection policy, a selling term policy, and a financial selection policy (column 5, lines

38-43, a score policy).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lent et al (hereinafter Lent), U.S. Patent No. 6,405,181.

Regarding to claims 8-10, Lent does not disclose a country logic component that

determines a base language and a base currency for said customer in said portfolio; a

database access component that retrieves country specific data from a plurality of

systems, wherein said plurality of systems are selected from the group consisting of:

European Office System, Canada Bilingual Office System, United States Advanced

Office Systems, Nordic, and Asian Pacific Latin America. However, determining a base

language and a base currency for customer and retrieving country specific data from

such a plurality of system above are well known in the art. Therefore, it would have

been obvious to one with ordinary skill in the art at the time the invention was made to

modify Lent's adopt the well known features above for the purpose of providing more convenient to customer when accessing customer's account information.

5.   Claims 12, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lent et al (hereinafter Lent), U.S. Patent No. 6,405,181, in view of Land et al (hereinafter Land), U.S. Patent No. 6,847,942.

Regarding to claim 22, Lent does not disclose receiving a change in a financial statement for said at least one customer; and assessing a risk change in said portfolio based on said change in said financial policy according to said at least one user-defined rule and at least one user-defined policy. However, Land discloses receiving a change in a financial statement for said at least one customer; and assessing a risk change in said portfolio based on said change in said financial policy according to said at least one user-defined rule and at least one user-defined policy (column 12, lines 44-50). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Lent's adopt the teaching of Land above, for the purpose of updating customer's risk information, for the purpose of providing more accurate in making approval decision.

Regarding to claims 12 and 24, Lent does not disclose providing financial data about said portfolio in a selected currency providing a currency conversion feature; providing a local currency for said at least one customer in said portfolio; and assigning a default currency for said at least one customer in said portfolio. However, Land discloses providing financial data about said portfolio in a selected currency (column 9, lines 25-43) and providing a currency conversion feature; providing a local currency for

said at least one customer in said portfolio; and assigning a default currency for said at least one customer in said portfolio (column 9, lines 25-43). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Lent's adopt the teaching of Land above, for the purpose of providing more convenient to the customer when accessing customer's account information.

(10)   Response to Argument

<u>Claims 1-4</u>

In response to the Appellant's argument that that Lent fails to disclose a user interface to receive requests and customer account information, examiner submits that Lent discloses in column 3, lines 53-58, *<u>an application engine 104 creates an application by communicating with the applicant over the World Wide Web using Java or html or other commonly used Internet protocols, and prompting an applicant for data and storing the entered data</u>*, thus the applicant can submit application over the over the World Wide Web via the application engine 104 which is equivalent to a user interface. Therefore, ***<u>Lent does disclose a user interface to receive requests and customer account information.</u>***

In response to the Appellant's argument that that Lent fails to disclose a risk assessment manger that provides application functions, services and portfolio analysis based on said requests, examiner submits that Lent disclose in column 4, lines 18-37, Underwriter 110 receives data from the parsing engine and *<u>evaluates the data to determine if the applicant should receive for the offer of credit</u>*. The Underwriter makes *<u>an underwriting decision based on an analysis</u>* of

the credit bureau data. Therefore, *a risk assessment manger that provides application*

functions, services and portfolio analysis based on said requests.

In response to the Appellant's argument that that Lent fails to disclose a corporate linkage

component that provides information to said risk assessment manager for user by said risk

assessment manager, examiner submits that Lent discloses in column 2, lines 9-11; column 4,

lines 18-25; column 5, lines 38-42 and column 8, lines 57-65, an Underwriter engine 214

automatically approves an application based on the information obtained from credit bureaus.

According to the appellant's specification, corporate linkage "reveals the total risk exposure

within a corporate entity" page 11, paragraph [0040]. Lent discloses an Underwriter engine that

that uses information obtained from one or more credit bureaus to make a decision whether to

grant consumer credit to an applicant. Information from a credit bureau about an individual's

credit history *does* reveal the total risk exposure within a corporate entity, because information

from a credit bureau contains a credit report listed the credit history of an individual for each

lender (credit card companies, mortgage lender, automobile lender, etc...). Therefore, *Lent does*

disclose a corporate linkage component that provides information to said risk assessment

manager for user by said risk assessment manager.

Claim 5

In response to the Appellant's argument regarding to claim 5, examiner submits that

examiner submits that Lent disclose in column 4, lines 18-37, Underwriter 110 receives data

from the parsing engine and *evaluates the data to determine if the applicant should receive for*

the offer of credit. The Underwriter makes *an underwriting decision based on an analysis* of the

credit bureau data.

Claim 6

In response to the Appellant's argument regarding to claim 6, examiner submits that Lent

disclose in column 4, lines 18-37, Underwriter 110 receives data from the parsing engine and

evaluates the data to determine if the applicant should receive for the offer of credit. The

Underwriter makes *an underwriting decision based on an analysis* of the credit bureau data

Claim 7

In response to the Appellant's argument regarding to claim 7, examiner submits that Lent

discloses a configuration console component that provides administrative functions and security;

wherein said administrative functions include an import function, an export function; and/or a

score calculating function (column 3, lines 54-57, receiving application data from an applicant

(import function); column 4, lines 20-23, sending pared data to at least two credit bureaus

(export function); column 5, lines 38-43, FICO score).

Claim 11

See the same as claim 1 above.

Claim 13

In response to the Appellant's argument regarding to claim 13, examiner submits that Lent

discloses providing days sales outstanding information for said at least one customer in said

portfolio (column 5, lines 27-31, e.g. a 90 day attribute that indicates the number of times the

applicant has been more than 90 days late in payment of a debt).

Claim 14

In response to the Appellant's argument regarding to claim 14, examiner submits that Lent

discloses wherein said account profile includes a financial statement (column 5, lines 15-20,

application data structure 202 includes a set of credit report objects).

Claims 15, 16, 18-21, and 23

See the same as <u>claim 1</u> above. Moreover, Lent discloses in column 4, lines 18-37,

Underwriter 110 receives data from the parsing engine and *evaluates the data to determine if the*

applicant should receive for the offer of credit. The Underwriter makes *an underwriting decision*

based on an analysis of the credit bureau data. Thus, the credit decision is based on the policy

defined by the Underwriter.

Claim 17

In response to the Appellant's argument regarding to claim 17, examiner submits according

to the appellant's specification, corporate linkage "reveals the total risk exposure within a

corporate entity" page 11, paragraph [0040]. Lent discloses an Underwriter engine that that uses

information obtained from one or more credit bureaus to make a decision whether to grant

consumer credit to an applicant. Information from a credit bureau about an individual's credit

history *does* reveal the total risk exposure within a corporate entity, because information from a

credit bureau contains a credit report listed the credit history of an individual for each lender

(credit card companies, mortgage lender, automobile lender, etc...).

Claims 8-10

In response to appellant's arguments regarding the well-known statement recited in

rejecting claims 8-10, examiner submits that *the appellant has not submitted any rebuttal of the*

well-known statement, the appellant has not presented any arguments that the feature is not well

known. The appellant stated "Is never appropriate to rely solely on "common knowledge" in the

art without evidentiary support in the record, as the principal evidence upon which a rejection is

based." This does not constitute a proper challenge to the Official Notice.

Claim 12

In response to the Appellant's argument regarding to claim 12, examiner submit that Lent

does not disclose receiving a change in a financial statement for said at least one customer; and

assessing a risk change in said portfolio based on said change in said financial policy according

to said at least one user-defined rule and at least one user-defined policy. However, Land

discloses receiving a change in a financial statement for said at least one customer; and assessing

a risk change in said portfolio based on said change in said financial policy according to said at

least one user-defined rule and at least one user-defined policy (column 12, lines 44-50).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the

invention was made to modify Lent's adopt the teaching of Land above, for the purpose of

updating customer's risk information, for the purpose of providing more accurate in making

approval decision. Examiner notes that the test for obviousness is not whether the

features of a secondary reference may be bodily incorporated into the structure of the

primary reference; nor is it that the claimed invention must be expressly suggested in any

one or all of the references. Rather, the test is what the combined teachings of the

references would have suggested to those of ordinary skill in the art. See In re Keller,

642 F.2d 413, 208 USPQ 871 (CCPA 1981)

Claims 22 and 24

In response to the Appellant's argument regarding to claims 22 and 24, examiner submit that providing financial data about said portfolio in a selected currency providing a currency conversion feature; providing a local currency for said at least one customer in said portfolio; and assigning a default currency for said at least one customer in said portfolio. However, Land discloses providing financial data about said portfolio in a selected currency (column 9, lines 25-43) and providing a currency conversion feature; providing a local currency for said at least one customer in said portfolio; and assigning a default currency for said at least one customer in said portfolio (column 9, lines 25-43). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Lent's adopt the teaching of Land above, for the purpose of providing more convenient to the customer when accessing customer's account information. Moreover, Lent also discloses providing days sales outstanding information for said at least one customer in said portfolio (column 5, lines 27-31, e.g. a 90 day attribute that indicates the number of times the applicant has been more than 90 days late in payment of a debt).

(11) *Related Proceedings Appendix*

The statement of the related proceedings appendix contained in the brief is correct.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Nga Nguyen

NGA NGUYEN
PRIMARY EXAMINER

Conferees

Kambiz Abdi

Vincent Millin

for Vincent Millin

OHLANDT, GREELEY, RUGGIERO, & PERLE, LLP
ONE LANDMARK SQUARE, 10TH FLOOR
STAMFORD, CT 06901-2682